PART IV

Section I-C—(II)

RULES AND NOTIFICATIONS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS.

GOVERNMENT OF MYSORE.

(LABOUR DEPARTMENT)

Labour Dispute—Industrial Dispute between the Workmen and the Management of Sandalkad Estate, Boikere P O, Coorg District

Award of the Labour Court, Bangalore—Published

Read the following papers —

1 Letter No 962/62-63, dated the 28th December 1962 from Sri R Krishna Setty, Presiding Officer, Labour Court, Bangalore

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 27th day of December 1962

Present :

Sri R Krishna Setty, B A, LL B, Presiding Officer, Labour Court, Bangalore

Reference No 45 of 1962

(In the matter of an industrial dispute between the workmen and the management of Sandalkad Estate, Boikere P O, Coorg District)

Between

Workmen represented by the Secretary, Coorg District Estate Workers' Union, Mercara *1st Party.*

And

The Management of Sandalkad Estate, Boikere P O, Coorg District, represented by Sri B R Puttananjappa, Secretary, Mysore State Employers' Association, Bangalore *2nd Party.*

[Reference Government Order No PLM 415 LLD 62, dated 10th October 1962]

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AWARD.

1. By an Order No. PLM 415 LLD 62, dated 10th October 1962, the Government of Mysore referred an industrial dispute between the workmen and the management of Sandalkad Estate, Boikere P. O, Coorg District to this court for adjudication, the dispute having been raised by the Secretary, Coorg District Estate Workers' Union, Mercara and the point of dispute being —

> "Whether the management of Sandalkad Estate, Boikere, Coorg, was justified in dismissing worker Smt Bangasari Pathumma with effect from 10th June 1962, if not, to what relief, if any, the said worker is entitled ?"

2 The contention of the first party union is that the management of the second party denied work to the workman Smt Bangasari Pathumma on and from 28th April 1962 though she attended the check roll as a matter of fact on 28th April 1962 virtualy terminating her services without any notice and without any reason whatsoever and against all principles of natural justice and therefore she is entitled for reinstatement to her former post with back wages

3 The second party resisted that claim on the ground that she was dismissed from service on account of her gross misconduct, namely that she had been convicted by the 1st Class Magistrate, Mercara for offences under sections 441 and 341 of the Indian Penal Code in C C No 211/1961 The management further alleged that the dispute in question is only an individual dispute and not an industrial dispute and as such this court has no jurisdiction to deal with this matter.

4 On the basis of the pleadings, in addition to the point of dispute scheduled in the order of reference, the following issues were framed.

1 Whether the dispute in question is only an individual dispute and not an industrial dispute and as such this court has no jurisdiction to investigate into the matter as alleged by the second party ?

2 Whether the order of dismissal against the workman Smt B. Pathumma was passed by the management on the grounds of misconduct proved in a domestic enquiry held in accordance with law ?

or